

The Gazette of India



EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 3] NEW DELHI, WEDNESDAY, JANUARY 4, 1956

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 4th January 1956

S.R.O. 3.—The following draft of a further amendment to the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, which the Central Government propose to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th January, 1956.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Amendment

After clause 40, of the said Scheme, the following clause shall be inserted, namely:—

"40-A. Special provisions for action in an emergency.—(1) If at any time the Chairman of the Board is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

- give the registered employer a warning in writing, or
- direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

- determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 34,
- give him a warning in writing,

- (c) suspend him without pay for a period not exceeding three months,
- (d) give him fourteen days' notice of termination, or
- (e) dismiss him.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under paragraph (i) or paragraph (ii) of sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under paragraph (i) or paragraph (ii) of sub-clause (2).

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by registered employers and payment to such unregistered worker's directly."

[F. No. Fac.73(87/55).]

K. N. NAMBIAR, Under Secy.